

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

NO. 7:05-CR-88-FL-1

UNITED STATES OF AMERICA,)
)
)
v.)
)
ALEX OHARA KING,)
)
)
Defendant.)

ORDER

This matter is before the court on defendant's motion for "good time" sentencing credits, (DE 83). The government did not respond to the motion and in this posture the issues raised are ripe for ruling.

Defendant argues the Federal Bureau of Prisons ("BOP") did not award him the correct amount of good time sentencing credits, and thereby has miscalculated his release date. Where defendant challenges the BOP's execution his sentence, he must pursue the claim in a habeas corpus petition pursuant to 28 U.S.C. § 2241, after exhausting all administrative rights to appeal within the BOP. See In re Vial, 115 F.3d 1192, 1194 n.5 (4th Cir. 1997) (en banc) (explaining § 2241 petitions are the proper vehicle for challenging the BOP's execution of a sentence); Timms v. Johns, 627 F.3d 525, 530 (4th Cir. 2010) (holding petitioner must first exhaust alternative remedies before pursuing relief under § 2241). Accordingly, the court DENIES defendant's motion, (DE 83), without prejudice to his filing a § 2241 petition. The clerk is DIRECTED to send defendant the form § 2241 petition.

SO ORDERED, this the 23rd day of January, 2020.


LOUISE W. FLANAGAN
United States District Judge